

House Bill 280 (AS PASSED HOUSE AND SENATE)

By: Representatives Manning of the 32nd, Johnson of the 37th, Tumlin of the 38th, Teilhet of the 40th, Mumford of the 95th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, so as to present legislative findings; to define terms; to ban the sale of marijuana flavored products to minors; to provide for a penalty; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, is amended by inserting a new Code section to read as follows:

"16-13-30.6.

(a) As used in this Code section, the term:

(1) 'Marijuana flavored product' means any product, including lollipops, gumdrops, or other candy, which is flavored to taste like marijuana or hemp. The term shall include, but is not limited to, 'Chronic Candy,' 'Kronic Kandy,' or 'Pot Suckers.'

(2) 'Minor' means any person under the age of 18 years.

(3) 'Person' means any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, limited liability company, joint venture, joint stock association, or other entity or business organization of any kind.

(b) The General Assembly finds and determines that:

(1) According to the '2004 Monitoring the Future Study' conducted by the University of Michigan, 16.3 percent of eighth graders, 35.1 percent of tenth graders, and 45.7 percent of twelfth graders reported using marijuana at least once during their lifetimes;

(2) According to a 2002 Substance Abuse and Mental Health Service Administration report, 'Initiation of Marijuana Use: Trends, Patterns and Implications,' the younger

1 children are when they first use marijuana, the more likely they are to use cocaine and
2 heroin and become drug dependent as adults;

3 (3) Marijuana abuse is associated with many negative health effects, including frequent
4 respiratory infections, impaired memory and learning, increased heart rate, anxiety, and
5 panic attacks;

6 (4) Marijuana users have many of the same respiratory problems that are associated with
7 tobacco use;

8 (5) According to the '2001 National Household Survey on Drug Abuse,' marijuana is the
9 nation's most commonly used illicit drug, and more than 83,000,000 Americans aged 12
10 and older have tried marijuana at least once;

11 (6) Use of marijuana has been shown to lower test scores among high school students,
12 and workers who smoke marijuana are more likely to have problems on their jobs;

13 (7) Federal, state, and local governments spend millions of dollars annually on programs
14 educating people about the hazards of drugs, and the marketing of marijuana flavored
15 substances would have an adverse impact upon these programs;

16 (8) The sale of marijuana flavored products, including lollipops and gum drops, which
17 claim 'every lick is like taking a hit' is a marketing ploy that perpetuates an unhealthy
18 culture and should not be permitted in the State of Georgia;

19 (9) Marijuana flavored products are a threat to minors in the State of Georgia because
20 such products give the false impression that marijuana is fun and safe;

21 (10) Marijuana flavored products packaged as candy or lollipops falling into the hands
22 of unsuspecting minors may serve as a gateway to future use of marijuana and other
23 drugs; and

24 (11) Merchants who sell marijuana flavored products are promoting marijuana use and
25 creating new customers for drug dealers in the State of Georgia.

26 Therefore, the purpose of this law is to prohibit the purchase and sale of marijuana flavored
27 products to minors in the State of Georgia.

28 (c) It shall be unlawful for any person knowingly to sell, deliver, distribute, or provide to
29 a minor or knowingly possess with intent to sell, deliver, distribute, or provide to a minor
30 any marijuana flavored product in the State of Georgia.

31 (d) It shall be unlawful for any minor falsely to represent to any person that such minor is
32 18 years of age or older with the intent to purchase or otherwise obtain any marijuana
33 flavored product.

34 (e) Any person who violates subsection (c) of this Code section shall be guilty of a
35 misdemeanor and shall be subject to a fine of \$500.00 for each offense. Each sale in
36 violation of this Code section shall constitute a separate offense."

SECTION 2.

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2 This Act shall become effective on July 1, 2008, and shall apply to offenses committed on
3 or after that date.

SECTION 3.

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5 All laws and parts of laws in conflict with this Act are repealed.